

ORDINANCE NO 06-06

AN ORDINANCE TO AMEND TITLE 11 OF THE NOLENSVILLE MUNICIPAL CODE REGARDING MUNICIPAL OFFENSES TO ADD NOISE PROHIBITIONS

WHEREAS, the Charter of the Town of Nolensville, Tennessee authorizes the Town to adopt regulatory activities necessary to promote health, safety and welfare of the inhabitants of the Town of Nolensville; and

WHEREAS, the Board of Mayor and Alderman for the Town of Nolensville wish to exercise its authority in regard to controlling unreasonably loud, disturbing and unnecessary noise within the Town of Nolensville; and

WHEREAS, noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is not desirable in the Town of Nolensville; and

WHEREAS, the Ordinance found at Title 11 of the Nolensville Municipal Code was enacted in December, 2002; and

WHEREAS, the Board of Mayor and Aldermen wish to amend said ordinance to add a new Chapter 4 regarding the prohibition of loud noises; and

NOW, THEREFORE, be it ordained by the Board of Mayor and Alderman of the Town of Nolensville that Title 11, Municipal Offenses, of the Nolensville Municipal Code is amended to add Chapter 4 General Prohibition on Noises as follows:

Chapter 4 General Prohibition On Noises

11-401. General prohibition on noises. Subject to the provisions of this article, the creating of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited.

11-402. Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this division, but this enumeration shall not be deemed to be exclusive, namely:

(1) *Blowing horns.* The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) *Radios, phonographs. etc.* The playing of any radio, phonograph, stereo system or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either

independently of or in connection with motion pictures, radio or television, in such a manner or with such volume, particularly during the hours between 11 :00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital, or in any dwelling, hotel or other type of residence, or of any person within 50 feet of the vicinity.

(3) *Yelling, shouting, etc.* Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

(4) *Pets.* The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(5) *Use of vehicle.* The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded or in such manner as to cause loud and unnecessary grating, grinding, rattling or other noise.

(6) *Blowing whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper municipal authorities.

(7) *Exhaust discharge.* To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) *Building operations.* The erection '(including excavation), demolition, alteration or repair of any building in any area or the construction or repair of streets and highways in any area and related infrastructure, other than between the hours of 7:00 a.m. and 7:00 p.m. or dark, which ever may fall first, Monday through Saturday and 9:00 a.m. and 7:00 p.m. or dark, which ever may fall first, Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed 30 days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways after dark and before 7:00 a.m. Monday through Saturday or 9:00 a.m. Sunday and if he shall further determine that unreasonable loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done during those hours upon application being made at the time the permit for the work is awarded or during the process of the work. This restriction will include but not be limited to the use of pile drivers, use of explosives, steam shovel, pneumatic hammer, derrick, steam or electric hose, or other machinery or equipment attended by loud or unusual noise.

(9) *Noises near schools, hospitals, churches, etc.* The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church or court while the same is in session.

(10) *Loading and unloading operations.* The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening

and destruction of bales, boxes, crates and other containers.

(11) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, sale or display of merchandise.

(12) *Loudspeakers or amplifiers on vehicles.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

11-403. **Exceptions.** None of the terms or prohibitions of this article shall apply to or be enforced against:

(1) *Municipal vehicles.* Any vehicle of the city while engaged upon necessary public business.

(2) *Repair of streets, etc.* Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(3) *Noncommercial and nonprofit use of loudspeakers or amplifiers.* The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.

This ordinance shall be come effective after its passage and adoption, the public welfare demanding it.

Approved by the Board of Mayor and Aldermen

First Reading

Second Reading

Walter T. Dugger, III, Mayor

Cindy Lancaster, Town Recorder

Approved by:
